SB Civil Writ Petition No.6199/1994
Rajan Mathur Vs Judge, Labour Court, Bharatpur & ors
4.10.2007

Hon'ble Mr Justice Ashok Parihar

Mr V Agrawal – for petitioner
Mr JK Agrawal, Addl GA – for respondent-State
BY THE COURT:

Petitioner has challenged the award dated 1.2.1994 passed by the Labour Court, Bharatpur, by which, while holding the termination of services of the respondent No.3 (the concerned workman) as illegal and unjustified, the concerned workman has been ordered to be reinstated with full back wages, however, further directions have also been issued for recovering the amount of back wages to be paid to the concerned workman from the petitioner as also for taking disciplinary action against him for his negligence. The above directions have been issued on the basis that the petitioner before terminating the services of the concerned workman should have complied with the provisions of section 25-F of the Industrial Disputes Act, 1947. The Labour Court has not accepted the version of the department that the compensation was offered to the concerned workman, however, he refused to take the same.

Be that as it may, before passing any such directions of recovery from a particular officer, at least

some opportunity of hearing ought to have been granted to him even as per the principles of natural justice, however, no such notice was ever issued by the Labour Court to the petitioner. Further, there is nothing on record to show that even the award passed by the Labour Court was challenged by the department. Under the circumstances, the observations and directions made by the Labour Court against the petitioner cannot be sustained in the eyes of law.

Accordingly, the writ petition is allowed. The observations and directions made by the Labour Court against the petitioner in the impugned award dated 1.2.1994 are quashed and set aside.

(Ashok Parihar) J.

bnsharma